

1 As the RR correctly noted, the Court must assess whether the evidence as a whole supports the
2 Commissioner's decision. (Dkt. No. 25 at 3, citing Brewes v. Commissioner of Social Sec.
3 Admin., 682 F.3d 1157, 1163 (9th Cir. 2012.)) In this case, the GAF scores offered by Pieler, are
4 not dispositive of disability, as noted by Judge Tschudida. Dr. Lukins only estimated (in his own
5 words) that the GAF score for the last year was 50. Tr. 581. It did not "establish," as the
6 objections argue, a GAF score of 50. (Dkt. No. 27.) Nonetheless, the RR placed the new
7 evidence within the entire record and correctly found the Commissioner's decision still
8 supported by substantial evidence. (Dkt. No. 25 at 7-8.)

9 Therefore, the Court **ADOPTS** the Report and Recommendation; **AFFIRMS** the
10 decision of the Commissioner and **DISMISSES** this case with prejudice. The Clerk is directed
11 to send copies of this Order to the parties and to Judge Brian A. Tsuchida.

12 Dated this 19th day of September, 2014.

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14 Marsha J. Pechman
15 United States District Judge
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